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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,005	01/18/2001	Kouji Komatsu	450100-02946	7272

20999 7590 10/14/2004

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/765,005

Applicant(s)

KOMATSU ET AL.

Examiner

Twyler M. Lamb

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
TWYLER LAMB  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9 re rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US 6,674,538).

With regard to claims 1 and 2, Takahashi discloses a printer (Figure 1, video print system 100) including a picture display device (EVF 45, monitor 202), for printing a still picture on a printing sheet, said still picture being selected from motion pictures displayed on said picture display device (EVF45), comprising: a memory device (buffer

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memory 65) for storing said still picture displayed on said picture display device (col 4, lines 23-31); and a print operation button (dial 305, print specifying button 504) for operating said printer, wherein said printer operation button is a pushbutton switch which has two modes of a half-depressed mode and full-depressed mode (which reads on operating a dial while confirming a picture transmitted from monitor and printing desired picture by confirming) (col 19, lines 8-52); and wherein said half-depressed mode of said print operation button allows for a portion of pictures displayed on said display device to be selected as a print picture and stored in said memory device (which reads on operating a dial while confirming a picture transmitted from monitor) (col 19, lines 8-52); and said full-depressed mode of said print operation button allows to start printing of said print picture (col 19, lines 8-52; col 21, lines 13-19).

With regard to claim 3, Takahashi discloses a data processing device (Figure 1, video print system 100) comprising: a data input/output unit (VTR unit 90); a data memory unit (buffer memory 65); and a data processing unit (video printer 14), wherein said data input/output unit, said data memory unit and said data processing unit are connected in parallel to a data bus (data bus 26) as to allow for a data exchange to be executed selectively and directly between respective units without need of interposing any additional unit (col 4, lines 14-31).

With regard to claim 4, Takahashi also discloses wherein said data input/output unit includes a camera unit (video camera 20) for taking a picture, said data processing unit is a printer unit (video printer 14) for printing a picture (col 4, lines 14-22); and a picture data being taken by said camera unit is transferred via the data bus and is

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instantaneously entered as a still picture to be printed in said printer unit without use of any additional recording medium (col 4, lines 14-22; col 6, line 66 – col 8, line 56).

With regard to claim 5, Takahashi also discloses wherein said data input/output unit includes an input/output interface portion (video camera 20) for entering external data (col 4, lines 14-22); said data processing unit includes a printer portion (video printer 14) for printing data (col 4, lines 14-22), and said external data entered via said input/output interface portion is transferred via said data bus to be simultaneously entered as a still picture and printed in said printer portion without use of any additional recording medium (col 4, lines 14-22; col 6, line 66 – col 8, line 56).

The limitations of claims 6-9 are addressed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be

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discussed at an interview; please label such communications "PROPOSED" or  
"DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to be 'TL' or similar initials, written in a cursive style.

September 7, 2004